IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 22ND NOVEMBER 2007 / 1ST AGRAHAYANA 1929

WP(C).No. 23816 of 2004(I)

PETITIONER:

THOTTAKKAT DISTILLERIES,
MUPPATHADOM P.O., EDAYAR, ALUVA-10,
ERNAKULAM DISTRICT, REP. BY PARTNER
OF ATTORNEY HOLDER SRI. K. DHANAKUMAR.

BY ADV. SRI.P.SANTHALINGAM
SRI.S.SHARAN

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY
SECRETARY TO GOVERNMENT, INDUSTRIES DEPARTMENT
SECRETARIAT, THIRUVANANTHAPURAM.

2. STATE OF KERALA, REP. BY SECRETARY
TO GOVERNMENT, TAXES DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

3. COMMISSIONER OF EXCISE, COMMISSIONERATE
OF EXCISE, THIRUVANANTHAPURAM.

4. GENERAL MANAGER, DISTRICT INDUSTRIES
CENTRE, ERNAKULAM.

BY GOVERNMENT PLEADER SMT. LATHA THANKAPPAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 23816/2004 I

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE RETIREMENT DEED OF 3 PARTNERS.

EXT.P2. COPY OF THE POWER OF ATTORNEY EXECUTED IN FAVOUR OF THE NEW PARTNER.

EXT.P3. COPY OF THE APPLICATION FOR SHIFTING THE DISTILLERIES UNIT TO GOVINDAPURAM IN CHITTUR TALUK, PALAKKAD DIST. DT. 24/3/03.

EXT.P4. COPY OF THE GO RT NO. 307/2000/ID DT. 3/5/00.

EXT.P5. COPY OF THE MEMORANDUM OF UNDERSTANDING DT. 15/12/99.

EXT.P6. COPY OF THE PROCEEDINGS OF THE DIRECTOR OF INDUSTRIES & COMMERCE, DT. 10/6/2003.

EXT.P7. COPY OF THE JUDGMENT IN WPC NO. 21897/03 DT. 8/6/04.

EXT.P8. COPY OF THE LETTER DT. 30/06/04 BY THE PETITIONER TO THE R1.

RESPONDENT'S EXHIBITS **NIL.**

True copy

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KURIAN JOSEPH J.

Writ Petition (Civil) No.23816 of 2004

Dated 22nd November, 2007.

J U D G M E N T

Petitioner approached this court with grievances regarding certain claims from the 4th respondent. From the nature of the pleadings, and in view of the disputed questions of fact involved in the case, it is only appropriate that the petitioner pursues the ordinary remedy before the civil court. Accordingly, the writ petition is disposed of without prejudice to the liberty to the petitioner as above, in which event, the time taken for prosecuting the writ petition shall stand excluded while computing the period of limitation.

KURIAN JOSEPH, JUDGE.

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